

**MINUTES  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – NOVEMBER 4, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting order at 6:30 P.M. All Councilors were present with the exception of Councilor Abrams. Also present was Ms. Karen Mahalick A.I.C.P., Administrator and Ms. Estefanie B. Muller, Clerk-Treasurer.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF THE AGENDA.**

**MOTION:** Councilor Simmons made a motion to approve the Agenda.

Ms. Mahalick requested that Item 16 be tabled as neither the Attorney, nor Mr. Cassidy could be present this evening.

**MOTION:** Councilor Simmons made an amendment to her motion to table Item 16 until the next meeting. Councilor Felton seconded the motion.

**VOTE:** Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

**4. APPROVAL OF THE CONSENT AGENDA.**

- a. Regular Council Meeting Minutes of October 21, 2009.
- b. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of October 19, 2009.
- c. Acknowledge Receipt of the Police Report for the month of October, 2009.
- d. Acknowledge Receipt of the Parks & Recreation Meeting Minutes of July 23, 2009.

**MOTION:** Councilor Felton made a motion to approve the Consent Agenda removing item d for discussion. Councilor Hill seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. The motion carried.

Councilor Felton asked if it was possible to get the Parks and Recreation Minutes sooner as these were from July.

Mr. Holden responded that there were several months in which they did not have a quorum and therefore he was not able to present them sooner.

**MOTION:** Councilor Felton made a motion to acknowledge receipt of the Parks & Recreation Meeting Minutes of July 23, 2009. Councilor Simmons seconded the motion.

**VOTE:** Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

**5. MATTERS FROM THE MAYOR.**

Mayor Stearley discussed the Mayors Caucus that he had attended along with the new Mayor of Albuquerque.

**6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Simmons discussed the Infrastructure Conference that she attended.

Councilor Hill discussed the Flag Ceremony scheduled for November 23, 2009 at 7:00 P.M. at Good Shepherd. He also congratulated Councilor Abrams and the Energy Committee on their award of the grants and presented an update on the Task Force for the water on Section 16. Councilor Simmons discussed the possible need to consider a different type of surfacing for the athletic fields.

Mayor Stearley stated he would be attending a soccer game that will be played on artificial turf so he would have an opportunity to see what looks like.

**7. MATTERS FROM THE ATTORNEY.**

None.

**8. CHANGE OF COMMAND – EDGEWOOD POLICE CHIEF.**

Mayor Stearley asked the Police Department to stand and be recognized.

Chief Swanberg thanked the Town for the opportunity to serve and that it had been a privilege and an honor. He also thanked all the officers for their hard work and dedication.

At this time Judge White read a poem to his wife and Officer Holt. He also asked the officers and community to respect and support each other.

**9. MATTERS FROM THE MUNICIPAL JUDGE.**

a. Judge White will present his report for the month of October, 2009.

Mayor Stearley asked the Council if they had any questions on the Judges Report and requested that the Judge provide a copy of the poem to be included in the record of this meeting.

**10. PUBLIC COMMENTS. (Limit to 2 minutes per person).**

**Note: If you plan to testify under Public Hearings, please do not sign up for this topic.**

Mr. Tim Fleming discussed the paving of roads in the Town especially school bus routes. He added there seemed to be a willingness among some of the citizens to bare the burden via taxes to make this happen.

**11. CHAMBER OF COMMERCE QUARTERLY REPORT – Ms. Robin Foshee**

Ms. Kelly Krath discussed the financial status of the Chamber and stated that it had become critical. She requested financial assistance from the Town so the Chamber may continue its service to the community.

Ms. Mahalick responded that she could review the current agreement with the Town Attorney if the Council would like to consider additional assistance for the Chamber.

Councilor Simmons stated she felt the Chamber was important to the Town and would like to see what can be done to help.

Mayor Stearley stated that he was in favor of this as well.

Councilor Felton added that this was a good example of why these reports are so critical. He added that tourism is a large factor that needed to be considered.

Ms. Foshee explained the difficulty in distinguishing Chamber related inquiries and tourism or Town promotion as they are intertwined.

The Treasurer for the Chamber stated they were in an emergency situation and she would provide whatever documentation the Town required.

**12. MATTERS FROM THE ADMIN-PLANNER.**

**a. Notification to Advertise for a Wastewater Plant Operations RFQ.**

Ms. Mahalick reviewed this Item for the Council stating the ad would run for the Plant Operator next week and that she had engaged Souder Miller to review the RFP for compliance.

Councilor Simmons asked if there would be a pre bid visit to the plant.

Ms. Mahalick confirmed there would be a pre bid visit and tour of the facility.

**b. Request for Santa Fe Community Center in Edgewood.**

Ms. Mahalick reviewed this Item for the Council and requested approval from the Council for staff to present a secondary regional facility in Edgewood proper at the meeting with Commissioner Anaya next week.

Councilor Simmons asked where it could be located.

Ms. Mahalick suggested it could be placed next to the Senior Center or on Section 16.

Council discussed the current facilities sizes, amenities and agreed a similar facility would be good for Edgewood.

**c. New Mexico American Water Rate Case Funding.**

Ms. Mahalick reviewed this Item for the Council including the cost for the Attorneys fees of approximately \$57,000.00. She also discussed citizen calls she had received requesting information. She added that she does provide the information she has at the time and lets them know the Mayor and Council are watching this carefully.

Councilor Simmons requested staff do some research regarding similar cases to see what has been awarded in the past.

Council discussed the possibility of instituting a “do not exceed” amount in the agreement with the Attorney and allowing them to proceed but to provide regular reports to the Council.

Council agreed to a maximum of \$11,000.00 for attorney fees.

**d. Status on Energy Grant for Wastewater Plant.**

Ms. Mahalick reviewed this item for the Council and updated them on re-imbursement as well as the time line.

**e. Status on Highway 344 Storm Drain Collapse.**

Ms. Mahalick reviewed this item for the Council stating she had been notified by the Highway Department that they are requesting the Town repair the area on 344 and she had contacted Tierra West, the Town Attorney and put together a response to the Highway Department including results of the engineering review and video taken of the storm drain damage.

**13. PUBLIC HEARINGS.**

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:**

Ms. Mahalick certified that public notice had been posted as required.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.**

**Confirmation of no conflict of interest or ex-parte communication.**

**(ROLL CALL VOTE)**

a. Ordinance No. 2009-04. An Ordinance relating to the New Mexico Uniform Traffic Ordinance, Establishing a Penalty Assessment Program, Defining Penalty Assessment Misdemeanors, Establishing Listed Schedule of Penalty Assessments and repealing all Ordinances or Parts in Conflict Thereof.

Mayor Stearley read this Item for the Council and requested a motion.

**MOTION:** Councilor Felton made a motion to approve Ordinance 2009-04 as presented.  
Councilor Hill seconded the motion.

Mayor Stearley asked if there was any public comment.  
There were none.

**VOTE:** Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Simmons voted aye. The motion carried.

**14. TOWN OF EDGWOOD QUARTERLY BUDGET.**

a. Resolution No. 2009-40 General Fund Transfers.

Ms. Mahalick reviewed this item for the Council explaining the revised 4<sup>th</sup> quarter and statements. The Town is in compliance and DFA requested Council be updated. She also discussed some of the costs derived from equipment repairs and the issues regarding the YES Summer program.

**MOTION:** Councilor Simmons made a motion to approve Resolution No. 2009-40 General Fund Transfers. Councilor Felton seconded the motion.

**VOTE:** Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. The motion carried.

b. Resolution No. 2009-41 Line Item Transfers.

Ms. Mahalick reviewed this item for the Council outlining the Transfers and amounts.

**MOTION:** Councilor Felton made a motion to approve Resolution No. 2009-41. Councilor Hill seconded the motion.

**VOTE:** Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

**15. FINANCE & ADMINISTRATION.**

a. Approval of the Financial Report for the month of September, 2009

b. Revised 4<sup>th</sup> Quarter Filing Fiscal 2008-09

c. Revised Fiscal Budget 2009-10

Ms. Mahalick reviewed this item for the Council including the changes she had made at their request.

**MOTION:** Councilor Hill made a motion to approve the Financial Report for the month of September. Councilor Simmons seconded the motion.

**VOTE:** Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

**16. APPROVAL OF BOND QUESTION FOR THE ELECTION RESOLUTION.**

This Item was tabled until the next Regular Council Meeting.

**17. ANNOUNCEMENTS & CALENDAR REVIEW.**

a. Regular Council Meeting November 18, 2009.

Mayor Stearley discussed the upcoming meetings including the Boundary Commission meeting next Monday.

Ms. Mahalick stated all Legislative funds have been frozen and listed some of the projects that may be affected. She also discussed the status on current projects.

Note: The Town Hall Offices will be closed on Wednesday, November 11, 2009 in observance of Veteran's Day.

**18. FUTURE AGENDA ITEMS.**

a. Public Hearing – Parks and Recreation Advisory Committee.

**19. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn.

**VOTE:** All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 7:46 P.M.

**PASSED, APPROVED and ADOPTED this 18<sup>th</sup> day of November, 2009**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer